

\$536.00

Total

Aug 30, 2019

Post date

2834

Check #



\$536.00

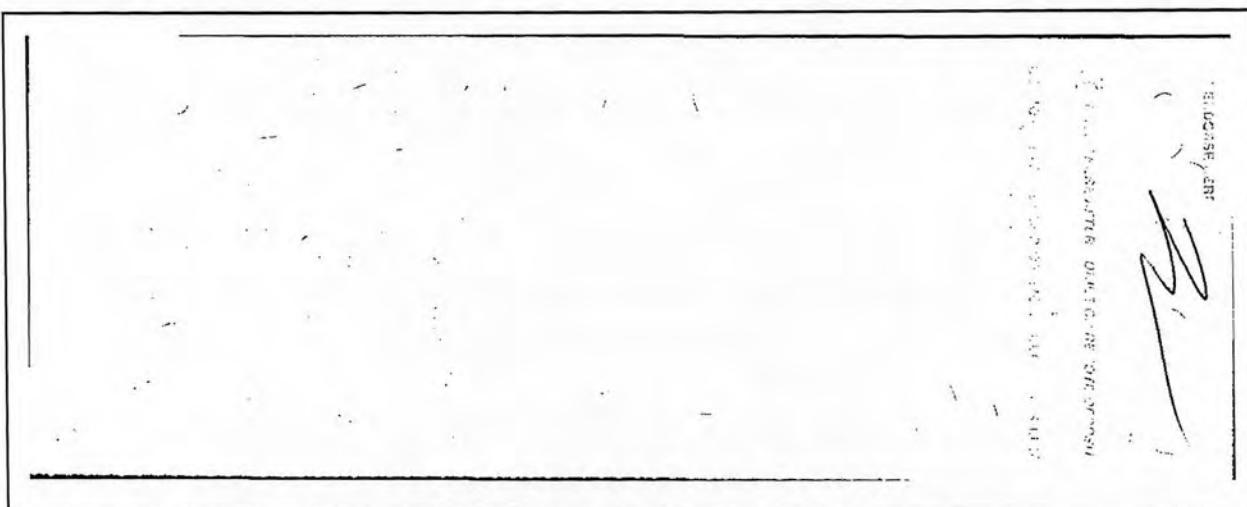
Total

Aug 30, 2019

Post date

2834

Check #



\$654.00

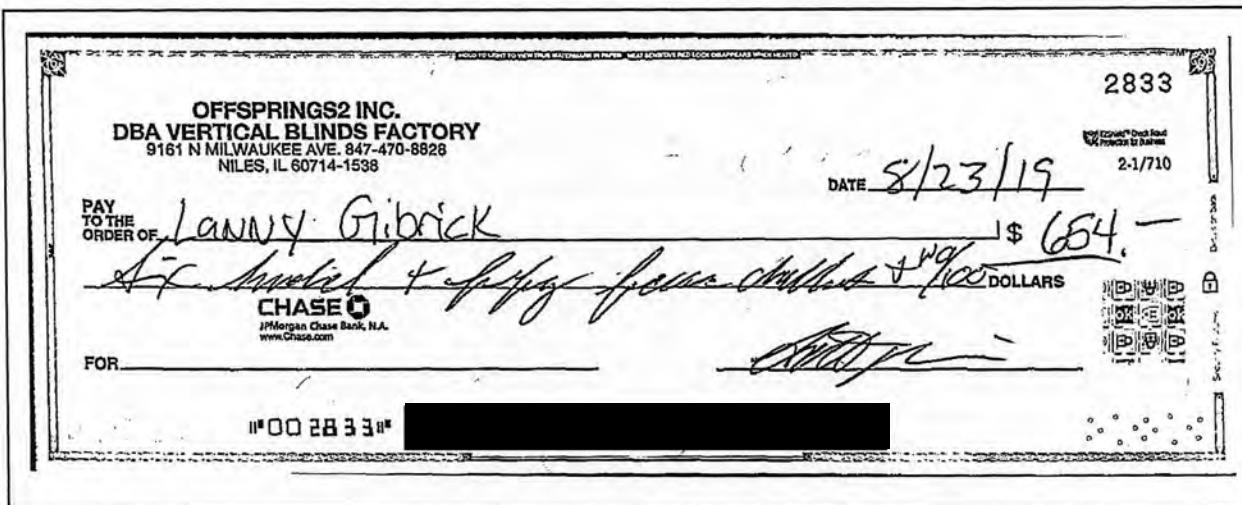
Total

Aug 23, 2019

Post date

2833

Check #



\$654.00

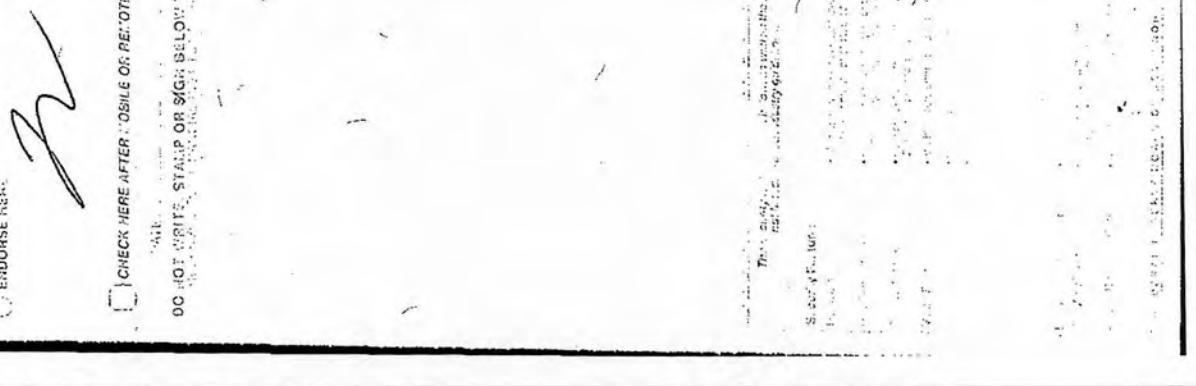
Total

Aug 23, 2019

Post date

2833

Check #

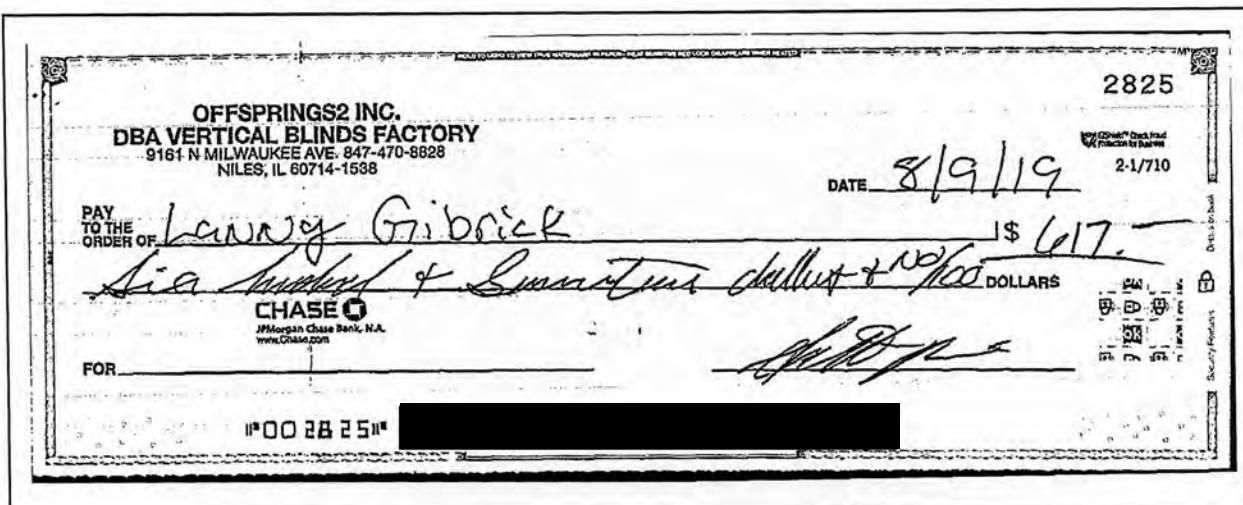
	<input type="checkbox"/> ENDORSE HERE	<input type="checkbox"/> CHECK HERE AFTER "DEPOSSED OR REDEPOSIT DEPOSIT"
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE		
		

\$617.00

Total

Aug 9, 2019  
Post date

2825  
Check #



\$617.00

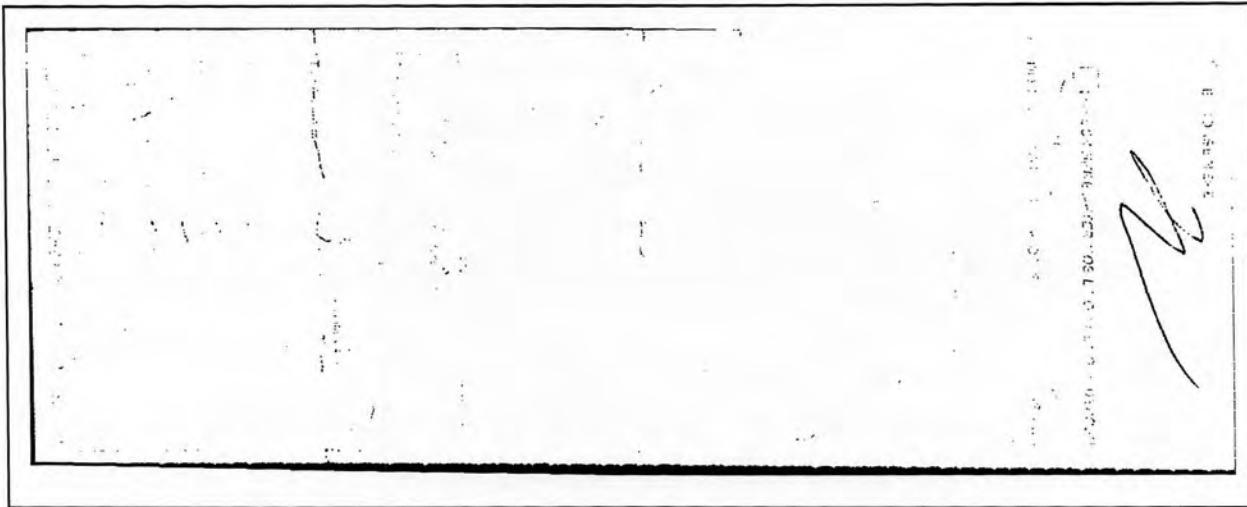
Total

Aug 9, 2019

Post date

2825

Check #



\$836.00

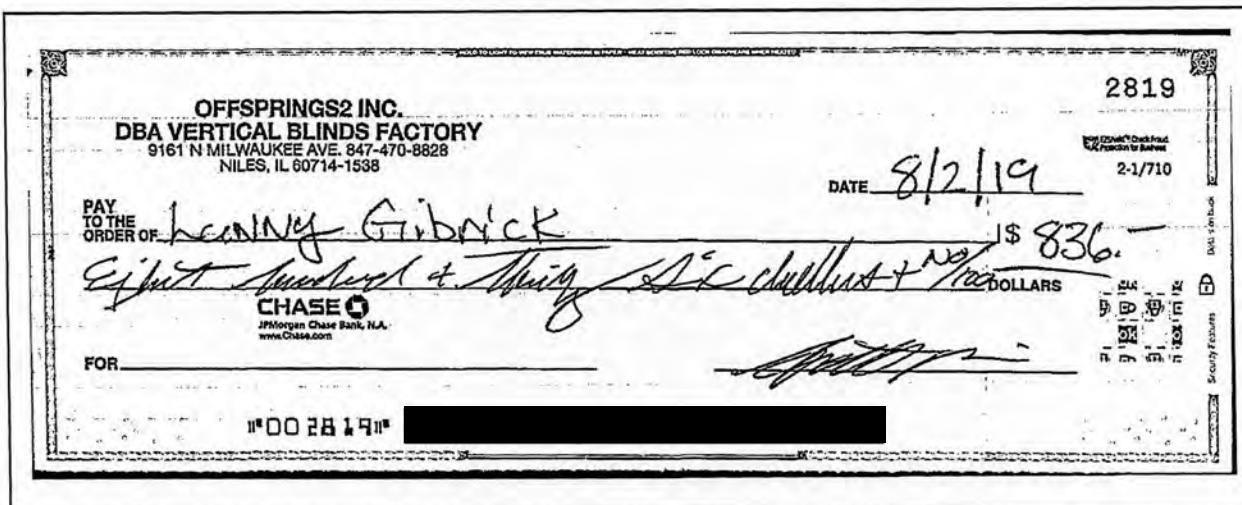
Total

Aug 2, 2019

Post date

2819

Check #



\$836.00

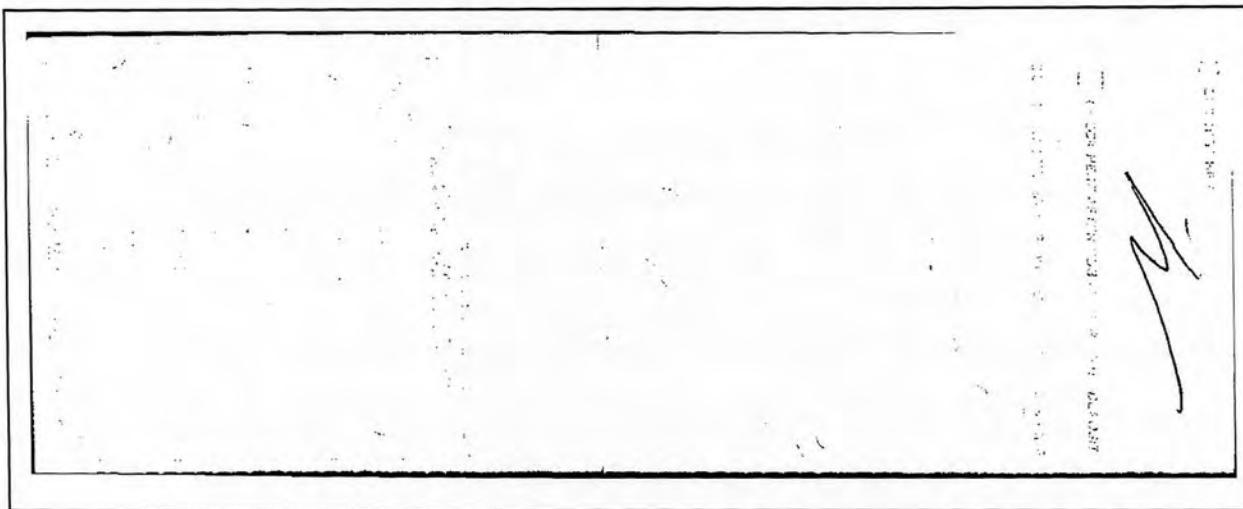
Total

Aug 2, 2019

Post date

2819

Check #

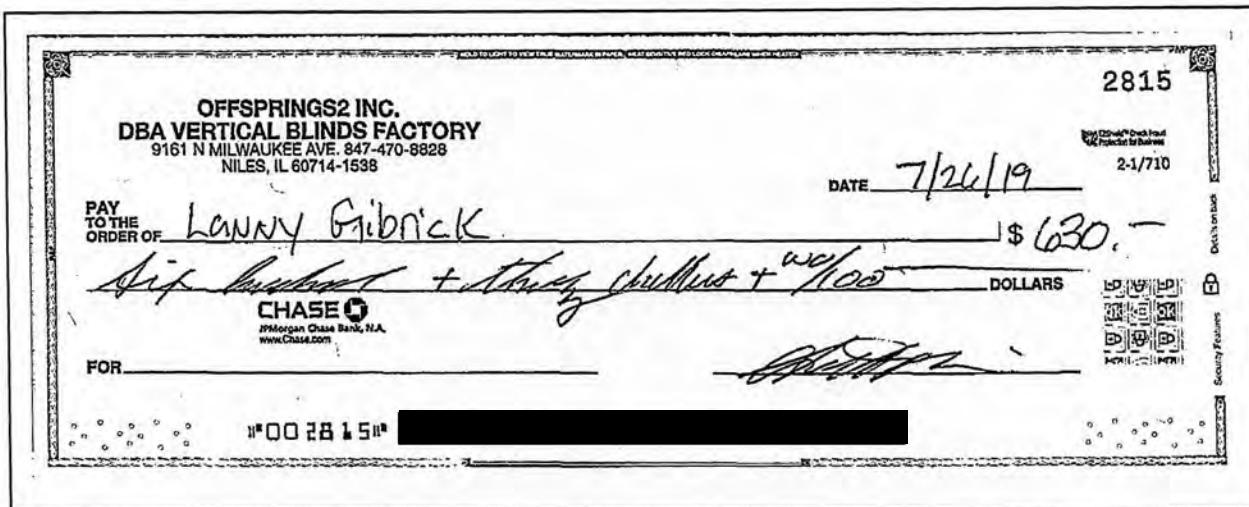


\$630.00

Total

Jul 26, 2019  
Post date

2815  
Check #



**\$630.00**

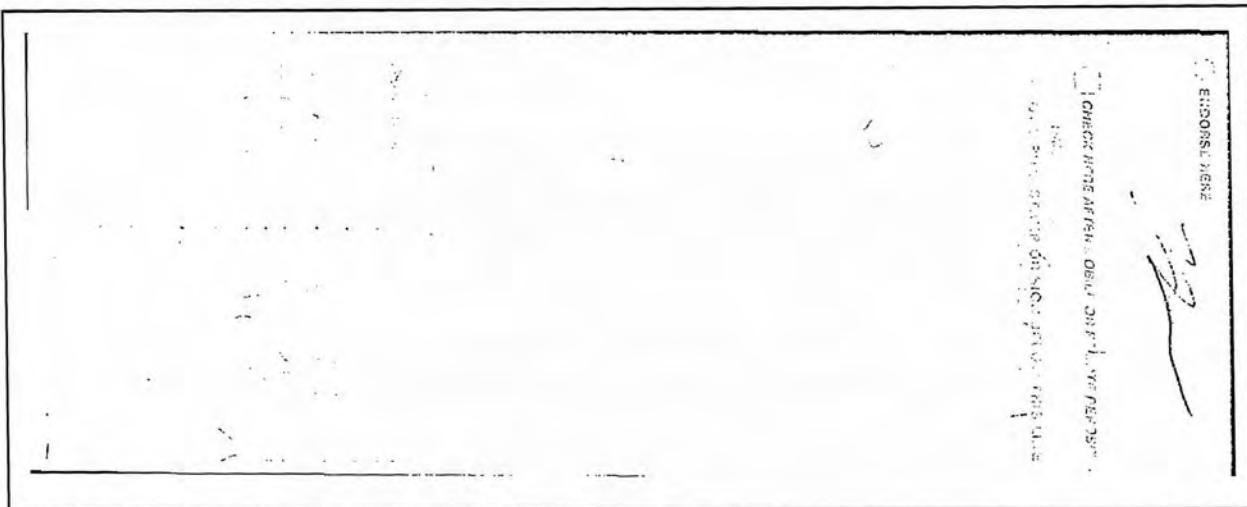
Total

Jul 26, 2019

Post date

2815

Check #



\$888.00

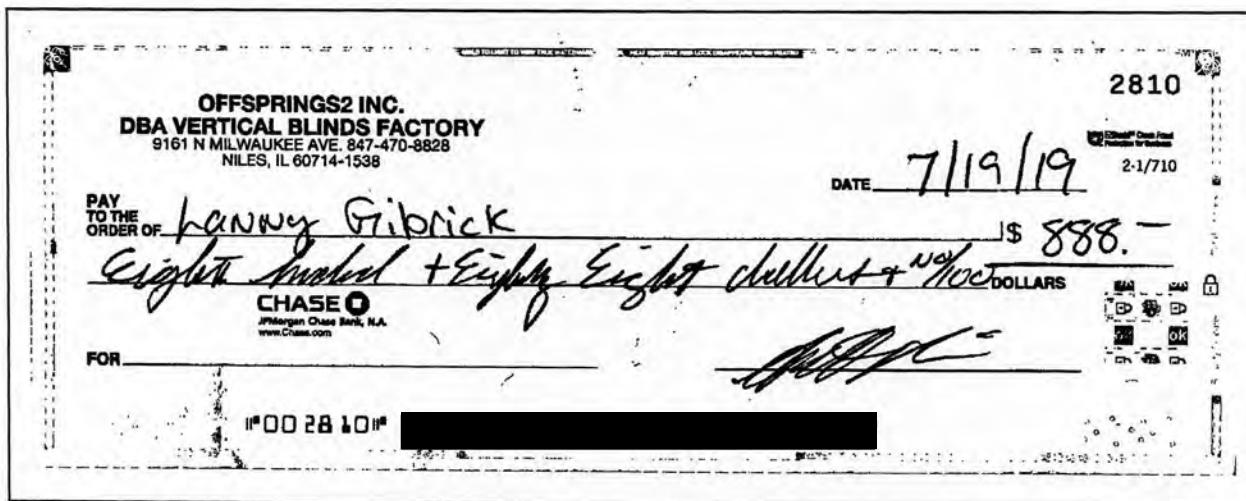
Total

Jul 19, 2019

Post date

2810

Check #



\$888.00

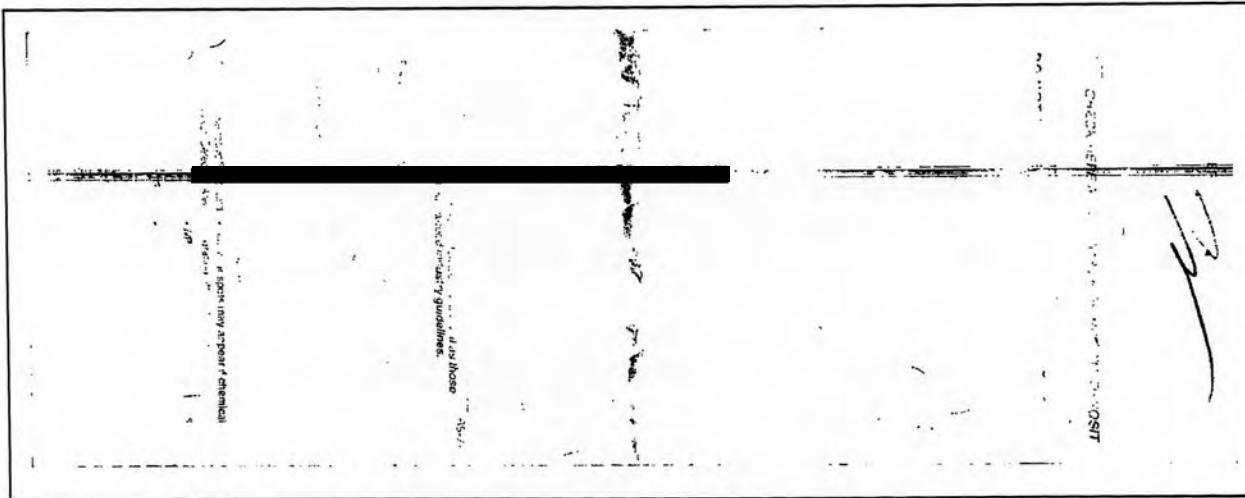
Jul 19, 2019

2810

Post date

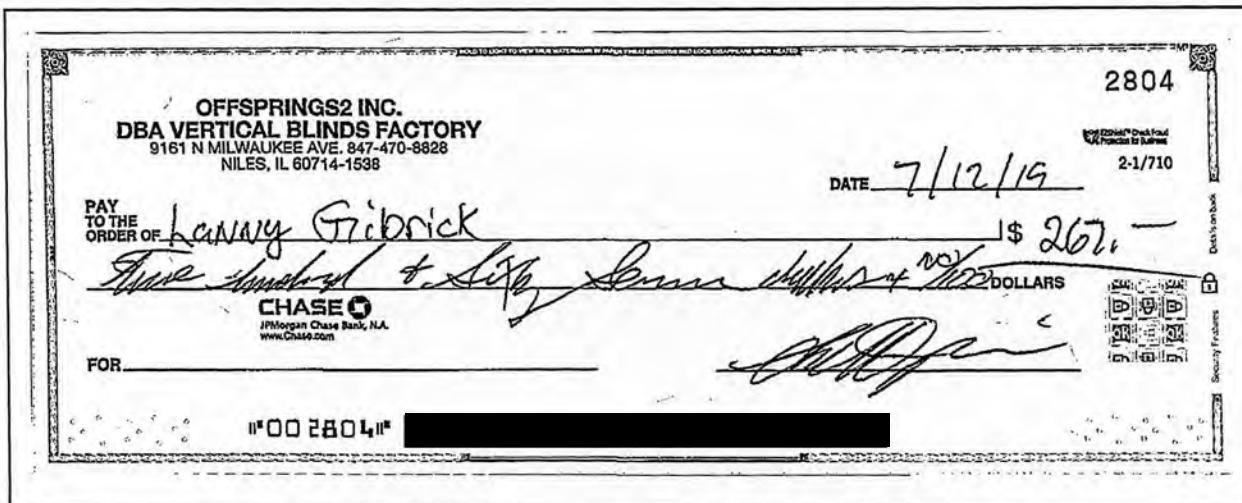
Check #

Total



\$267.00

Total

Jul 15, 2019  
Post date2804  
Check #

\$267.00

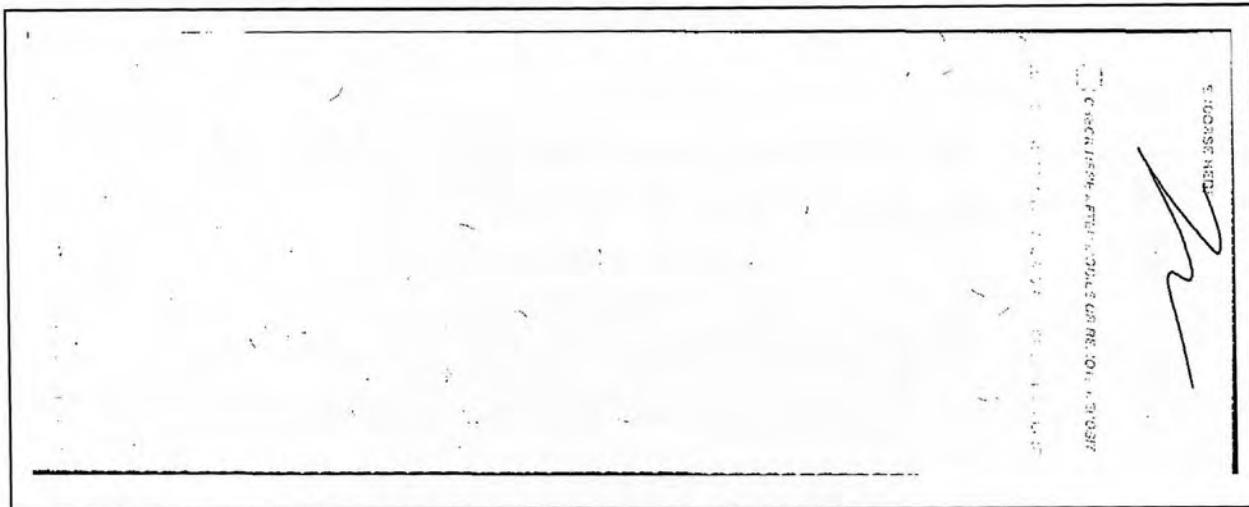
Total

Jul 15, 2019

Post date

2804

Check #



\$320.00

Total

Jul 5, 2019  
Post date

2798  
Check #



**\$320.00**

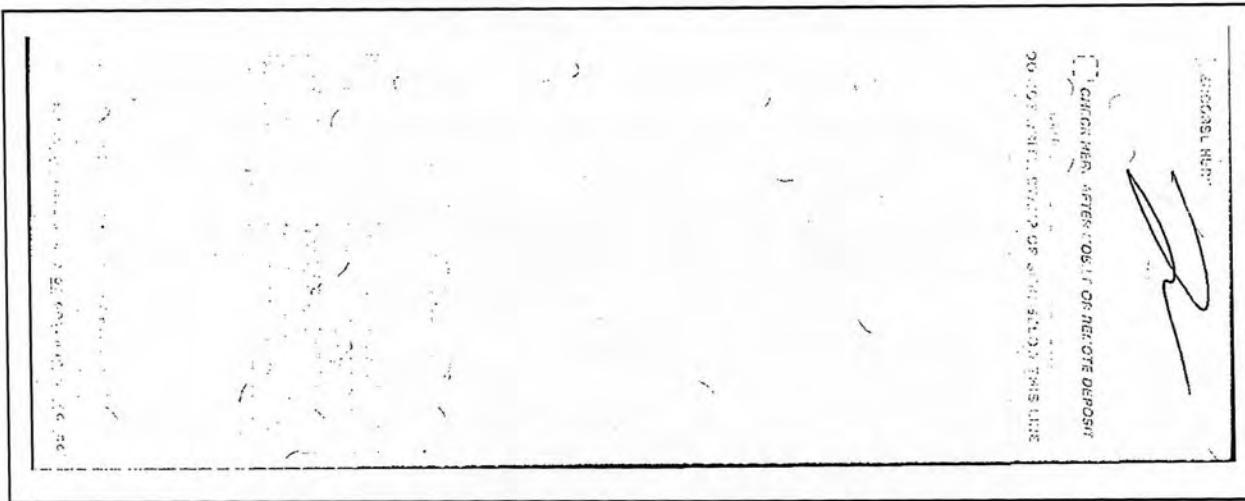
Total

Jul 5, 2019

Post date

2798

Check #



\$800.00

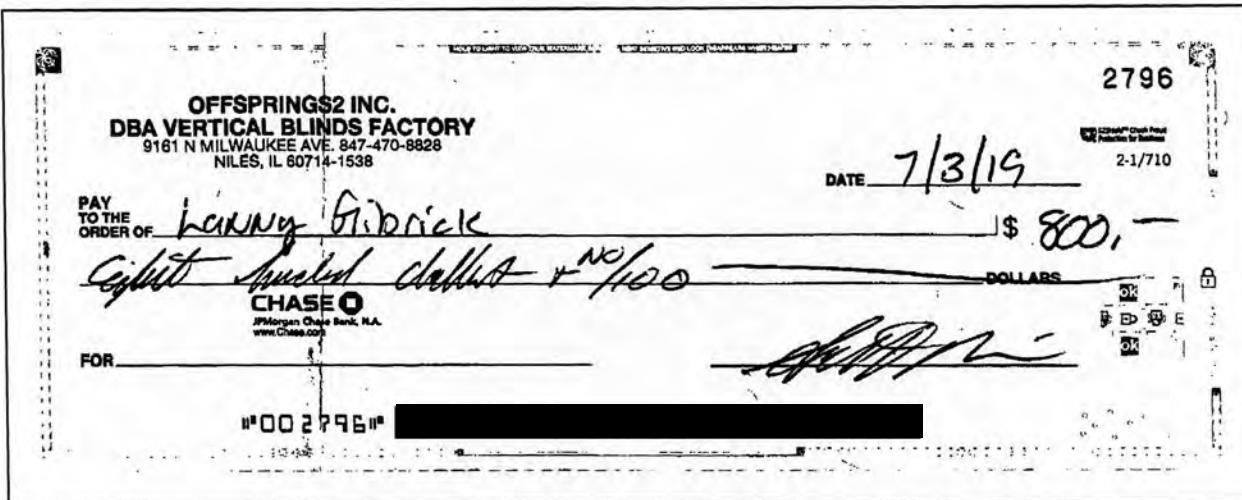
Total

Jul 3, 2019

Post date

2796

Check #



\$800.00

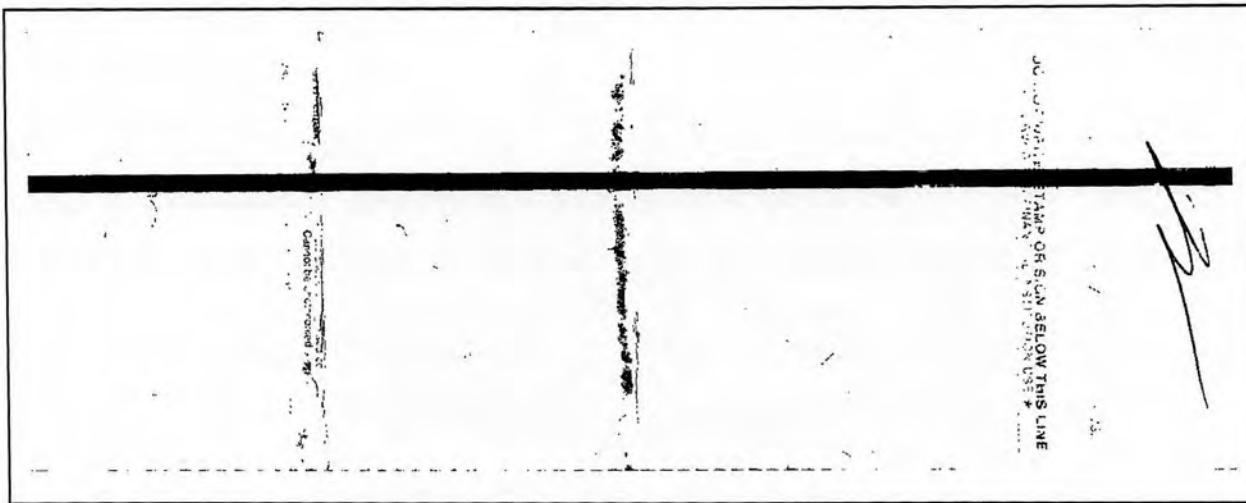
Total

Jul 3, 2019

Post date

2796

Check #



\$879.00

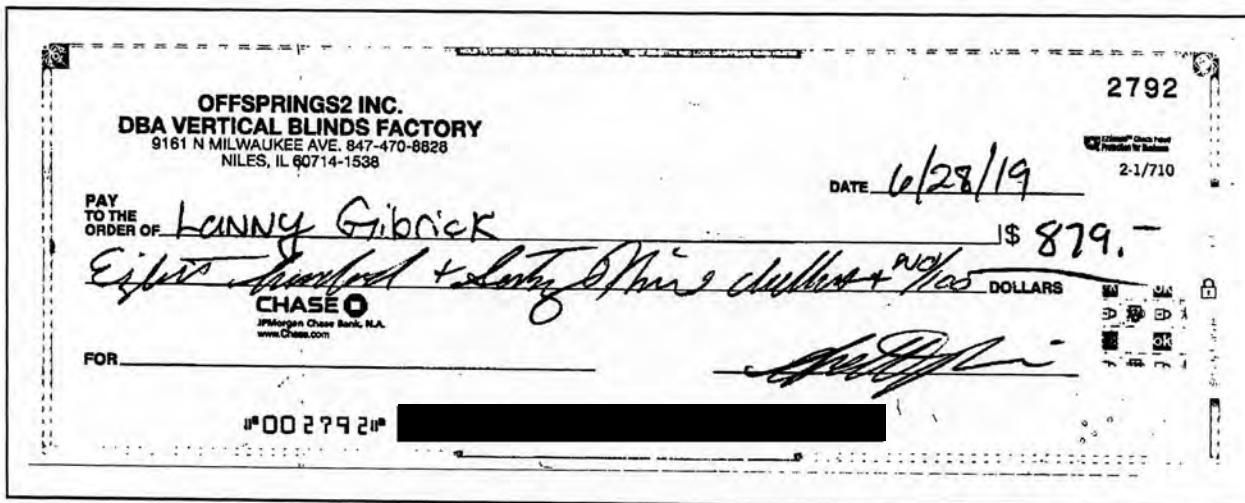
Total

Jun 28, 2019

Post date

2792

Check #



\$879.00

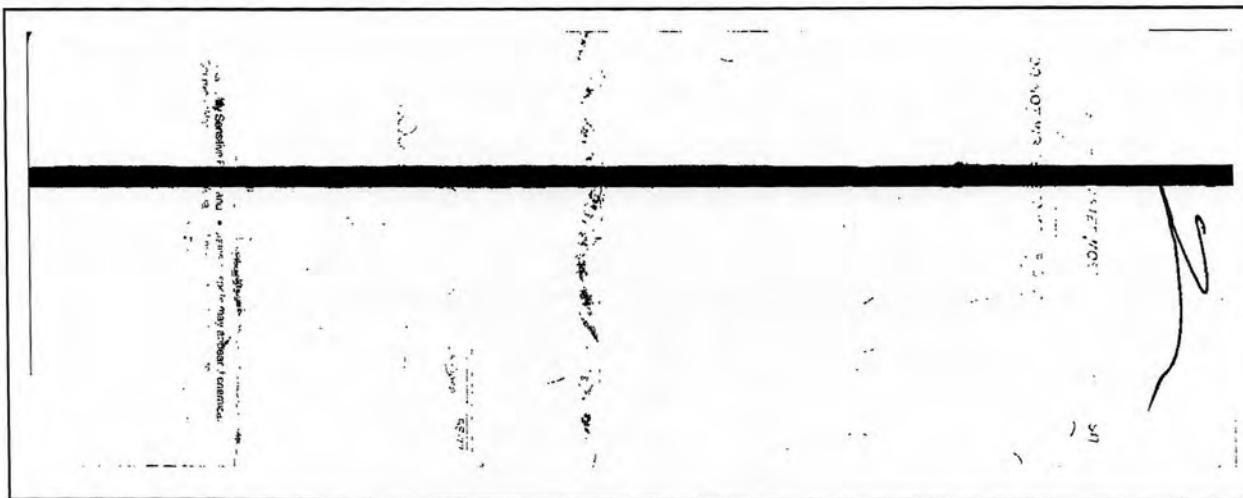
Total

Jun 28, 2019

Post date

2792

Check #



\$500.00

Jun 21, 2019

2789

Post date

Check #

Total



\$500.00

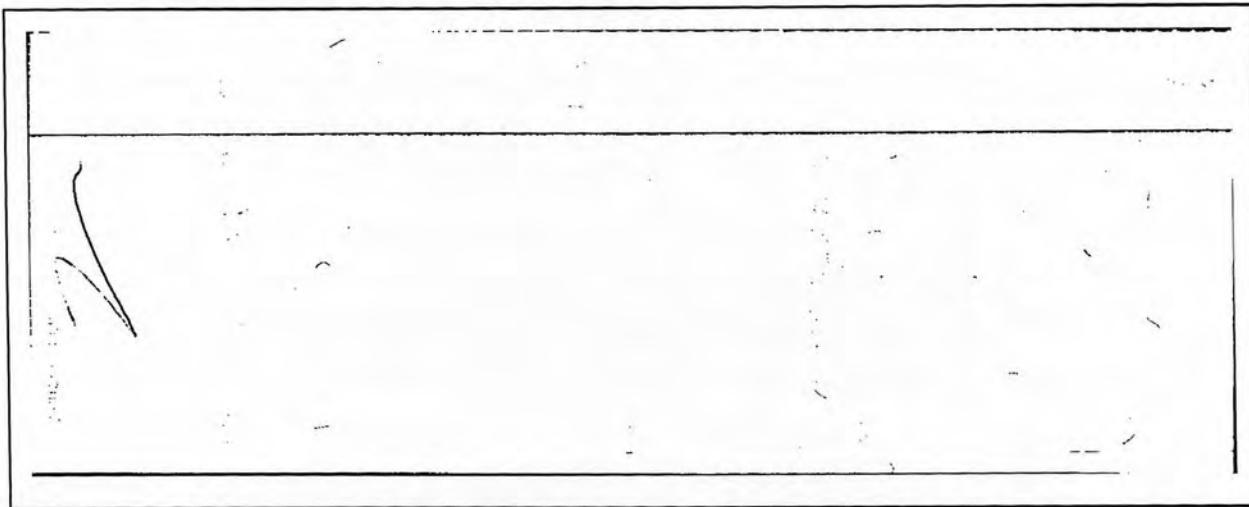
Total

Jun 21, 2019

Post date

2789

Check #



FILED  
12/18/2019 12:57 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
20142001791

ROBERT GOLDEN, an Individual, )  
Plaintiff, )  
v. ) 2014 M2 001791  
LANNY GIBRICK, an Individual, ) Room 202  
d/b/a ALAN'S DRAPERIES, INC., )  
an Illinois Corporation )  
(involuntarily dissolved). )  
Defendant. )

**PLAINTIFF'S PETITION FOR RULE TO SHOW CAUSE FOR INDIRECT CIVIL  
CONTEMPT AGAINST THIRD-PARTY DEFENDANT AND FOR OTHER RELIEF**

NOW COMES Plaintiff ROBERT GOLDEN, by and through his attorney, The Law Offices of Brendan R. Appel, LLC, and for his Petition for Rule to Show Cause ("Petition") as to why Third Party Defendant Roberts Drapery Center, Inc. ("Roberts") should not be held in indirect civil contempt of Court for its violation of the Citation to Discover Assets to a Third Party dated June 24, 2019 ("Citation") (attached hereto as **Exhibit A**) and for other relief, states as follows:

**Introduction**

Defendant and Judgment Debtor, Lanny Gibbrick ("Defendant"), has worked as an independent contractor for Roberts since at least 2017. On June 24, 2019, Roberts was served a Citation to Discover Assets to a Third Party. In disregard of the transfer prohibitions in this Court's Citation, Roberts continued to make payments to the Defendant thereafter in the amount of at least \$6,588.00. Therefore, Roberts should be held in indirect civil contempt until the same sum, and attorney's fees incurred in bringing this Petition, is paid over to Plaintiff.

### **Common Facts and Procedural History**

1. On December 16, 2014, this Court entered a default judgment against the Defendant in the amount of \$16,374.23 and in favor of the Plaintiff. See Judgment dated December 16, 2014 attached hereto as **Exhibit B**.

2. On June 24, 2019, Roberts was served by U.S. Certified Mail with a Citation to Discover Assets to a Third Party with an attached rider simply requesting copies of “checks written, including the front and back, of all payments made to Lanny Gibrick for any kind of work or services performed during the last forty-eight (48) months.” (Ex. A.)

3. The Citation also prohibited the Roberts “from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which the judgment debtor may be entitled or which may be acquired by or become due to the judgment debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to the judgment debtor, until further order of court or termination of the proceedings.”

4. Cheryl Lindholm, President of Roberts, responded to Plaintiff’s counsel with only copies of 1099s from 2018 and an unspecified year as well as checks written in 2018 and also between January 2019 and June 21, 2019. See Letter attached hereto as **Exhibit C**.

5. Cheryl, as President of Roberts, did not file any Answer of Third Party Respondent Citation (“Answer”), including any answer to the Interrogatories that stated whether or not she had in her possession, custody or control any personal property or monies belonging to the Defendant.

6. Due to the failure to comply in full with the Rider and failure to file any answer, a conditional judgment was entered against Roberts in the amount of \$19,984.72 and the Citation

was continued until December 18, 2019 at 1:30 p.m. See Order dated November 5, 2019 attached hereto as **Exhibit D**.

7. On December 11, 2019, Roberts was served by the Cook County Sheriff with an Amended Wage Summons Deduction to Confirm Conditional Judgment. See Cook County Sheriff's Proof of Service attached hereto as **Exhibit E**.

**Count I – Indirect Civil Contempt of Court**

8. On August 2, 2019, based on the Defendant's examination the previous day, a new Citation to Discover Assets to a Third-Party was served on Chase for all accounts in the name of the Defendant.

9. On September 5, 2019, the continued examination of the Defendant on his own citation was held outside of Courtroom 202. In relevant part, the Defendant made the following statements/responses during the examination:

- a. He does not have his own bank account, but uses Justin's Chase account to make deposits and withdrawals;
- b. He performs work for Roberts and payments are deposited through Chase QuickPay into Justin's Chase account;

10. Chase's subsequent response on September 24, 2019 included monthly bank statements from the joint account shared by the Defendant and his son, Justin Gibrick, which showed checks issued by Roberts while the Citation was still in effect being deposited by the Defendant.

11. Additional records in response to a subpoena issued to Chase shows Roberts paid 18 checks to the Defendant between June 24, 2019 (the date the Citation was served) and

November 15, 2019 totaling \$6,588.00, which were endorsed by the Defendant and deposited. See Check Copies attached hereto as **Exhibit F**.

12. The aforementioned monies were required to be paid to the Plaintiff pursuant to the Citation, but Roberts paid the monies to the Defendant instead.

13. Roberts made and/or allowed transfers, disposed of, and interfered with property belonging to Defendant that should have been paid to the Plaintiff.

14. Roberts failed to file any Answer stating it was or was not in possession of property belonging to the Defendant despite having paid at least \$6,588.00 – in violation of the 1-109 certification.

15. Plaintiff has established a *prima facie* case requiring the Court to issue a Rule *instanter* why Roberts should not be held in indirect civil contempt of court for violating the Citation against it.

16. The court may punish any party who violates the restraining provision of a citation as and for a contempt. 735 ILCS 5/2-1402(f)(1).

17. Third Party Defendant Roberts Drapery Center, Inc. should be held in indirect civil contempt of Court for its willful (and without just cause) failure to abide by the Citation.

18. Third Party Defendant Roberts Drapery Center, Inc.'s unreasonable and wilful actions have forced Plaintiff to incur additional otherwise unnecessary attorney's fees and costs in discovering its violations and in bringing this Petition for Rule to Show Cause before the Court.

WHEREFORE, the Plaintiff, ROBERT GOLDEN, respectfully requests that this Honorable Court:

- a. Issue a Rule to Show Cause *instanter* why the Third Party Defendant, Roberts Drapery Center, Inc., should not be held in indirect contempt of court;

FILED DATE: 12/18/2019 12:57 PM 20142001791

- b. Enter an order finding the Third Party Defendant, Roberts Drapery Center, Inc., in indirect civil contempt of Court for violating this Court's June 21, 2019 Citation;
- c. Order the Third Party Defendant, Roberts Drapery Center, Inc., to pay the full amount that should have been turned over to the Plaintiff while subject to the Citation or, in the alternative, order Cheryl Lindholm remanded to Cook County Jail until she pays the full amount that should have been turned over to the Plaintiff; and
- d. Order the Third Party Defendant, Roberts Drapery Center, Inc., to pay reasonable attorney's fees and costs and expenses to Plaintiff ROBERT GOLDEN and/or his attorneys for all collection efforts and for bringing and litigating this Petition; and
- e. For such other relief that this Honorable Court deems just and equitable.

Respectfully submitted,

  
\_\_\_\_\_  
The Law Offices of Brendan R. Appel, LLC  
Attorneys for Plaintiff

The Law Offices of Brendan R. Appel, LLC  
Brendan R. Appel  
Selwyn M. Skevin (Of Counsel)  
191 Waukegan Road, Suite 360  
Northfield, Illinois 60093  
(847) 730-4224  
(847) 730-4114 (facsimile)  
[bappel@balegal.com](mailto:bappel@balegal.com)  
Attorney No.: 38354

FILED  
12/18/2019 12:57 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
20142001791

# EXHIBIT A

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT/ 2ND DISTRICT

Robert Golden

Plaintiff

v.

Lanny Gibrick d/b/a Alan's Draperies, Inc.

Defendant

Roberts Drapery Center, Inc.

Respondent

Case No. 2014 M2 001791

FILED

6/21/2019 2:09 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
20142001791

## CITATION TO DISCOVER ASSETS TO A THIRD PARTY

To: Roberts Drapery Center, Inc. 504 E. Northwest Hwy, Mt. Prospect, IL 60056

YOU ARE REQUIRED to either file your answer to this Citation on the form appearing on the reverse side or

appear on 7/25/19 before 9:30 am in Courtroom 202 located at:

<input type="radio"/> Richard J Daley Center 50 W Washington Chicago, IL 60602	<input type="radio"/> District 4 - Maywood 1500 Maybrook Ave Maywood, IL 60153
<input checked="" type="radio"/> District 2 - Skokie 5600 Old Orchard Rd Skokie, IL 60077	<input type="radio"/> District 5 - Bridgeview 10220 S 76th Ave Bridgeview, IL 60455
<input type="radio"/> District 3 - Rolling Meadows 2121 Euclid Rolling Meadows, IL 60008	<input type="radio"/> District 6 - Markham 16501 S Kedzie Pkwy Markham, IL 60428

Judgment was entered on 12/16/14 in favor of Plaintiff Robert Golden and  
 against Defendant(s) Lanny Gibrick/Alan's Draperies in this court under case number 14M2001791 in the sum  
 of \$ 16,374.23. There is now due, less credit and off-set, sum of \$ 19,341.59 (Judgment Balance). Further  
 sums may become due as costs and interests accrue.

Your answer will inform the Court as to property you may hold belonging to (Judgment Debtor).

You are prohibited from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from the enforcement of a judgment, a deduction order or garnishment, property belonging to the judgment debtor or to which s/he may be entitled or which may thereafter be acquired by or become due to him or her, and from paying over or otherwise disposing of any monies not so exempt, which are due to the judgment debtor. This prohibition shall remain in effect until further order of court or termination of the proceeding. You are not required to withhold the payment of any monies beyond double the amount of the total sum due the judgment creditor.

If the account consists solely of funds that can be identified as exempt under federal or state law, you are PROHIBITED from FREEZING THE ACCOUNT and YOU MUST RESPOND that the account consists solely of exempt funds. Deposited funds that are exempt under federal and state law include Social Security, SSI, veteran's benefits, Railroad Retirement benefits, public assistance benefits, unemployment compensation benefits and/or circuit breaker property tax relief benefits.

**WARNING:** Your failure to comply with the citation proceeding may result in a judgment being entered against you for the unsatisfied amount of this judgment. 735 ILCS 5/2-1402(f)(1).

**WARNING:** Your failure to appear in court or file you answer as directed may cause you to be arrested and brought before the court to answer to a charge of contempt of court, which may be punishable by imprisonment in the county jail.

**CERTIFICATION BY JUDGMENT CREDITOR OR ATTORNEY FOR JUDGMENT CREDITOR**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that the above information regarding the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court and the number of the case is true and correct.

Atty. No.: 38354

Signature: *Sherlyn Shervin*

6/21/2019 2:09 PM DOROTHY BROWN

Atty Name: Law Offices of Brendan R. Appel

Seal of Court



Atty. for: Plaintiff

Address: 191 Waukegan Road, Suite 360

City: Northfield State: IL

Zip: 60093

Telephone: 847-730-4224

Primary Email: BAPPEL@BALEGAL.COM

Clerk of the Court \_\_\_\_\_

**ANSWER OF THIRD PARTY RESPONDENT CITIGATION**

This first section must be filled out by the judgment creditor.

Citation/Respondent: Roberts Drapery Center, Inc. Court Date: 7/25/19

Defendant's Name Lanny Gibrick/Alan's Draperies SSN. xxx-xx- 2717 Case No. 2014 M2 001791

Judgment Balance: \$ 19,341.59

This is a Citation: Freeze up to double the Judgment Balance

**INTERROGATORIES**

1. On the date of service of the citation, did you have in your possession, custody or control any personal property or monies belonging to the judgment debtor?  Yes  No

If the answer is "yes" go to the next question. If "no", go to the instructions.

2. Is this an IRA account? Or have all of the deposits made during the past 90 days been electronically deposited and identified as exempt Social Security, Unemployment Compensation, Public Assistance, Veteran's Benefits, Pension or Retirement or by a source drawing from any other statutory exemptions?  Yes  No

If the answer is "yes" go to the next question. If "no", go to the instructions.

3. Is/Are the account(s) current balance(s) equal to or less than the total of the exempt deposits?  Yes  No

If you answered "yes" to all three (3) questions and funds in the account(s) are exempt, do not freeze the funds. Go to the "instructions" below.

4. 

	Account Balance	Amount Withheld
--	-----------------	-----------------

A. Savings Account \$ \_\_\_\_\_ \$ \_\_\_\_\_

B. Check/MMA/Now Account \$ \_\_\_\_\_ \$ \_\_\_\_\_

C. Certificate of Deposit \$ \_\_\_\_\_ \$ \_\_\_\_\_

D. Trust Account/Other \$ \_\_\_\_\_ \$ \_\_\_\_\_

(Describe) \_\_\_\_\_

E. Safety Deposit  Yes  No

F. Land Trust No. \_\_\_\_\_

G. Less Right of Offset for Loans \$ \_\_\_\_\_

Total Amount Frozen: \$ \_\_\_\_\_

5. List all electronic deposits into account(s) and their source(s) except deposits:

Account No. Source Monthly Amount

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

6. List all joint account holders or adverse claimants:

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Account Information:

Account Information:

Type  Checking  CD Savings

Type  Checking  CD Savings

Account Number: \_\_\_\_\_

Account Number: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Account Information:

Type  Checking  CD Savings

Account Number: \_\_\_\_\_

### INSTRUCTIONS

**File this Answer at least three (3) days before the court date to assure timely processing**

1. Complete the Answer of Third Party Respondent Citation section on this form.
2. Complete and sign the certification at the bottom of this page.
3. File this affidavit electronically by visiting [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) and proceed with the eFile process.

### CERTIFICATION

Under the penalties as provided by law pursuant to Section 1-109 of the code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct and that I have mailed this Answer to Defendant(s).

Atty. No.: \_\_\_\_\_

Agent Name \_\_\_\_\_

Atty Name: \_\_\_\_\_

Agent Name \_\_\_\_\_

Atty. for: \_\_\_\_\_

Agent Signature \_\_\_\_\_

Address: \_\_\_\_\_

Agent Signature \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Agent Signature \_\_\_\_\_

Zip: \_\_\_\_\_

Agent Signature \_\_\_\_\_

Telephone: \_\_\_\_\_

Agent Signature \_\_\_\_\_

Primary Email: \_\_\_\_\_

Agent Signature \_\_\_\_\_

**RIDER TO CITATION TO DISCOVER ASSETS  
DOCUMENTS TO BE PRODUCED**

1. Copies of checks written, including the front and back, of all payments made to Lanny Gibrick for any kind of work or services performed during the last forty-eight (48) months.

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Roberts Drapery Center, Inc.  
504 E. Northwest Highway  
Mt. Prospect, IL 60056



9590 9402 3410 7227 9770 32

## 2. Article Number (Transfer from service label)

7017 2400 0000 9685 4081

PS Form 3811, July 2015 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Cheryl Lincoln*

Agent  
 Addressee

## B. Received by (Printed Name)

Cheryl Lincoln

## C. Date of Delivery

12/24/19

D. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

## 3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> Restricted Delivery
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

## SENDER: COMPLETE THIS SECTION

- Ensure items 1, 2, and 3 are completed.

- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Roberts Drapery Center, Inc.  
504 E. Northwest Hwy.  
Mt Prospect IL 60056-3306



9490 9118 9956 1933 7194 61

## 2. Article Number (Transfer from service label)

9414 7118 9956 1933 7194 50

## COMPLETE THIS SECTION ON DELIVERY

A. Signature: ( Addressee or  Agent)

X *Cheryl Lincoln*

## B. Received By: (Printed Name)

Cheryl Lincoln

## C. Date of Delivery

12/15/19

D. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

## 3. Service Type

Certified Mail®

PS Form 3811 Facsimile, July 2015 (SDC 3930)

60056-339399

Domestic Return Receipt



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 3410 7227 9770 32

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box.

Law Offices of Brendan R. Appel  
191 Waukegan Road, Suite 360  
Northfield, IL 60093

USPS TRACKING# ~~00000000000000000000~~

IL 601

15 NOV 19  
Place barcode label here

PM 4 L



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

UNITED STATES  
POSTAL SERVICE



9490 9118 9956 1933 7194 61

Law Offices of Brendan R. Appel LLC  
191 Waukegan Road  
Suite 360  
Northfield IL 60093

# EXHIBIT B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
SECOND MUNICIPAL DISTRICTROBERT GOLDEN

Plaintiff

v.

{

No. 2014 M2 001791LANNY GIBRICK

Defendant

## ORDER

This matter having come before the court, the court having jurisdiction as being fully advised in the premises:

## IT IS ORDERED AS FOLLOWS:

4219 4001  XP Default Judgment for Plaintiff For \$ 16,374.23 and Costs.9207  Payment Plan  yes  no.9293  Assess costs \_\_\_\_\_4002  XP Default Judgment for Defendant For \$ \_\_\_\_\_ and Costs.4219  (on counter complaint or third party complaint)4293  4293 Assess costs \_\_\_\_\_4001  XP Default Judgment For Plaintiff4301  XP Default Judgment for specific Litigant4219 8001  Judgment for Plaintiff after trial for \$ \_\_\_\_\_ and Costs.9207  Payment Plan  yes  no.4293  Assess costs \_\_\_\_\_8002  Judgment for Defendant after Trial8301  Judgment for Specific Litigant after Trial in favor of

For \$ \_\_\_\_\_ and Costs.

See Attached Order Judgment itemized as follows: \$8,000 compensatory damages  
 \$5,000 punitive damages for fraud  
 \$3,374.23 in attorney's fees and costs.

Atty. No. 38354Name: Brendan Appel

Enter: \_\_\_\_\_

Attorney For: PlaintiffAddress: 191 Waukegan Rd Ste 360

Associate Judge Jeffery L. Warnick

City/Zip: Northfield IL 60093

Judge

DEC 16 2014 Judge's No.

# EXHIBIT C

Roberts Drapery Center  
504 E. Northwest Hwy.  
Mt. Prospect, IL 60056

Enclosed please find Lanny Gibricks check stubs year to date.  
Also are his w2s and 1099 from 2018 and 2017

If you need anything else please let me know, Lannny is a contractor  
that works for me when I need a extra installer

Thank you,  
Cheryl Lindholm

# EXHIBIT D